

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1121**

705-0054

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), Moores Prairie Township ("TOWNSHIP"), Jefferson County ("COUNTY"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the East Finland Road/Township Road (TR) 535 and East Germany Road/TR 553 highway-over-rail grade separated crossings of the Company's track near Belle Rive, in Moores Prairie Township, Jefferson County, Illinois, designated as crossing AAR/DOT 295 185Y, milepost 53.70-U and AAR/DOT 295 186F, milepost 54.40-U, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the roadway and track, train movements, vehicular traffic volume, and other pertinent data relating to the crossings have been obtained and shown on Exhibits A-1 and A-2, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

DOCKETED

- (a) East Finland Road/TR535:
 - (i) Vacate and abandon the roadway within the Company's right-of-way and demolish and remove the existing timber structure.
 - (ii) Construct approximately four thousand (4000) feet of roadway from TR535 south to connect to TR553 as an alternate route for the TR535 grade separation. See Exhibit B-1.
- (b) East Germany Road/TR553:
 - (i) Demolish and remove the existing timber structure and replace said structure with a three span, precast, prestressed, concrete deck beam bridge. See Exhibit B-2.

Section 3 The County, on behalf of the Township, has prepared preliminary plans and estimates of cost to accomplish the proposed roadway and grade separation improvements, which they may be required to perform. See Exhibits B-1 and B-2.

The County, on behalf of the Township, shall upon Order, according to the requirements contained therein, prepare and submit duplicate copies of construction drawings and estimates of cost and any required specifications for the proposed East Finland Road/TR 535 roadway improvements for the approval of the Commission and the Department. The County agrees that an appropriate time for the submission of plans should be no longer than six (6) months from the date of the Commission Order subsequent to this Agreement.

The County, on behalf of the Township, shall upon Order, according to the requirements contained therein, prepare and submit duplicate copies of construction drawings and estimates of cost and any required specifications for the proposed East Germany Road/TR553 grade separation improvements for the approval of the Company and the Department. The County agrees that an appropriate time for the submission of plans should be no longer than six (6) months from the date of the Commission Order subsequent to this Agreement.

The Department and the Company shall provide notice to the Commission within forty-five (45) calendar days after it has received the construction drawings and estimates of cost and any required specifications for the proposed improvements from the County. Said notice shall indicate Department or Company approval or disapproval of the construction drawings and estimates of cost and any required specifications for the proposed improvements.

Section 4 The County, on behalf of the Township, shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

COST DIVISION TABLE:

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP (COUNTY)	COMPANY
East Finland Road – Remove structure and construct connecting roadway.	\$53,400	(43%) \$23,000 ¹	(57%) \$30,400 ²	Demolition of existing structure ⁵
East Germany Road – Remove existing structure and reconstruct	\$667,000	(34%) \$227,000	(61%) 406,650 ³	(5%) \$33,350 ⁴
TOTALS	\$720,000	\$250,000	\$437,050	\$33,350

Notes:

¹ Grade Crossing Protection Fund to pay 60% of the project costs up to, but not to exceed \$250,000; any installation costs above the estimated amount of \$720,000 may be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² Township responsible for all future maintenance costs associated with the new roadway.

³ Township responsible for all future maintenance costs associated with the grade separation.

⁴ Company assistance to be 5% of the cost of the East Germany Road Structure, not to exceed \$33,350.

⁵ Company to demolish the existing East Finland Road structure only. Removal of the structure is to be done by the County or their contractor.

Section 6 The Township and the County are financially able and willing to bear equitable portions of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibits C-1 and C-2 and incorporated herein by reference.

Section 7 Special Provisions:

Any and all contractors engaged by the County and/or Township to perform project related work within the Company's right-of-way should comply with Articles 107.10, 107.11 and 107.12 of the Department's most current "Standard Specifications for Road and Bridge Construction".

The Township shall submit to the Commission copies of the vacation ordinances or other legal documents that show the approaches and structure within the Company's right-of-way of the TR535 bridge crossing has been vacated.

Prior to demolition of the TR535 structure the Township shall install all permanent barricades and appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. Maintenance of said barricades and signage shall be the responsibility of the Township.

The Company and the County (on behalf of the Township) shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as

Exhibits D-1 and D-2, along with this executed Agreement.

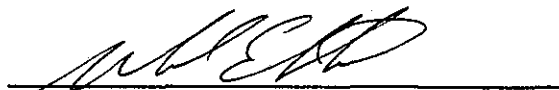
The County, on behalf of the Township, shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit D-2, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the County/Township Project Manager.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Region 5, District 9 Office of the Department at P.O. Box 100, Carbondale, Illinois 62903. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

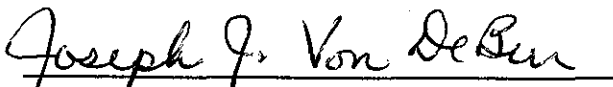
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 17th day of June, 2005.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. Von De Bur
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1121 concerning improvements at the East Finland Road/Township Road (TR) 535 (AAR/DOT 295 185Y, milepost 53.70-U) and East Germany Road/TR553 (AAR/DOT 295 186F, milepost 54.40-U) highway-over-rail grade-separated crossings of the Illinois Central Railroad Company's tracks, located south of Belle Rive, Moores Prairie Township, Jefferson County, Illinois.

Executed by the Township this 11 day of July 2005.

MOORES PRAIRIE TOWNSHIP

By: Duane E. Sink
Hwy. Comm.

Attest:

Joshua T. Adams
Bill D. Johnson
Mark P. Savage
John Reeves
Anne K. Sink

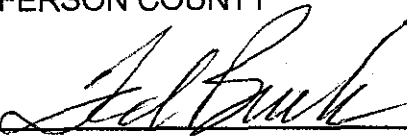
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Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1121 concerning improvements at the East Finland Road/Township Road (TR) 535 (AAR/DOT 295 185Y, milepost 53.70-U) and East Germany Road/TR553 (AAR/DOT 295 186F, milepost 54.40-U) highway-over-rail grade-separated crossings of the Illinois Central Railroad Company's tracks, located south of Belle Rive, Moores Prairie Township, Jefferson County, Illinois.

Executed by the County this 11 th day of JULY 2005.

JEFFERSON COUNTY

By: 

TED BUCK, SR. CHAIRMAN
JEFFERSON COUNTY BOARD

Attest:


SUZY TATE

Execution
Page

Illinois Commerce Commission Stipulated Agreement No. 1121 concerning improvements at the East Finland Road/Township Road (TR) 535 (AAR/DOT 295 185Y, milepost 53.70-U) and East Germany Road/TR553 (AAR/DOT 295 186F, milepost 54.40-U) highway-over-rail grade-separated crossings of the Illinois Central Railroad Company's tracks, located south of Belle Rive, Moores Prairie Township, Jefferson County, Illinois.

Executed by the Department this 12th day of July 2005.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modeer *cm*
Victor A. Modeer, Director of Highways/
Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1121 concerning improvements at the East Finland Road/Township Road (TR) 535 (**AAR/DOT 295 185Y, milepost 53.70-U**) and East Germany Road/TR553 (**AAR/DOT 295 186F, milepost 54.40-U**) highway-over-rail grade-separated crossings of the Illinois Central Railroad Company's tracks, located south of Belle Rive, Moores Prairie Township, Jefferson County, Illinois.

Executed by the Company this 2nd day of September 2005.

ILLINOIS CENTRAL RAILROAD
COMPANY

By: Paul E. Hadner

Witness:

Jude Blogg